

REMARKS

Claims 1-2, 13, 15, 25, 27, and 38-39 have been canceled without prejudice or disclaimer.

Claims 3-12, 14, 16-24, 26, 28-37, 40-75 are pending in the application.

Claims 1-4, 6-9, 11-17, 19-22, 24-29, 31-34, 36-41, 43-46, 48, and 49 are rejected.

Claims 5, 10, 18, 23, 30, 35, 42 and 47 are objected to.

Claims 5-10, 12, 14, 19, 21-23, 29, 31-35, 37, 40, 43-47, and 49 have been amended to capture allowable material or to correct dependencies.

The Specification has been amended to conform to the drawing FIG. 3.

The Applicants respectfully assert that the amendments to Claims 3, 6-9, 12, 14, 19, 21-22, 26, 29, 31-34, 37, 40, 43-46, and 49 and incorporated by reference in any claims depending therefrom, are not narrowing amendments made for a reason related to the statutory requirements for a patent that will give rise to prosecution history estoppel. *See Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 122 S. Ct. 1831, 1839-40, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 234 F.3d 555, 566, 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2001).

I. REJECTION UNDER 35 U.S.C. § 112

Claims 10, 23, 35, and 47 are rejected under 35 U.S.C. § 112, second paragraph for reciting the limitation "said secure data packet" without sufficient antecedent basis. The Applicant has amended the claims to correct this problem by changing "said" to "a" and suggested by the Examiner.

Therefore, the Applicant respectfully asserts the rejections of Claims 10, 23, 35, and 47 under 35 U.S.C. § 112, second paragraph have been traversed by these amendments.

## II. REJECTION UNDER 35 U.S.C. § 103

The Examiner has rejected Claims 1-2, 6, 9, 13, 15, 19, 22, 25, 27, 31, 34, 38-39, 43, and 46 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,003,130 to *Anderson* hereafter ("*Anderson*") in view of U.S. Patent 6,751,838 to *Chaiken et al.* hereafter ("*Chaiken*"). The Applicant has canceled Claims 1-2 and has rewritten the Claim 10 in independent form to capture allowable material as suggested by the Examiner. Claims 6 and 9 now depend from Claim 10 which has allowable material. The Applicant has canceled Claims 13 and 15 and has rewritten Claim 23 into independent form to capture allowable material as suggested by the Examiner. Claims 19 and 22 now depend from Claim 23 which has allowable material. The Applicant has canceled Claims 25 and 27 and has rewritten Claim 35 into independent form to capture allowable material as suggested by the Examiner. Claims 31 and 34 now depend from Claim 35 which has allowable material. The Applicant has canceled Claims 38 and 39 and has rewritten Claim 47 into independent form to capture allowable material as suggested by the Examiner. Claims 43 and 46 now depend from Claim 47 which has allowable material.

Therefore, the Applicant respectfully asserts that the rejections of Claims 1-2, 6, 9, 13, 15, 19, 22, 25, 27, 31, 34, 38-39, 43, and 46 under 35 U.S.C. § 103 (a) as being unpatentable over *Anderson* in view of *Chaiken* has been rendered moot by these amendments.

The Examiner has rejected Claims 3-4, 7, 14, 16-17, 20, 26, 28-29, 32, 40-41, and 44 under 35 U.S.C. § 103 (a) as being unpatentable over *Anderson* in view of to *Chaiken* and further in view of U. S. Patent 6,715,074 to *Chaiken*. In light of the amendments stated above, these Claims 3-4, 7, 14, 16-17, 20, 26, 28-29, 32, 40-41, and 44 now depend from claims with allowable material.

Therefore, the Applicant respectfully asserts that the rejections of Claims 3-4, 7, 14, 16-17, 20, 26, 28-29, 32, 40-41, and 44 under 35 U.S.C. § 103 (a) as being unpatentable over *Anderson* in view of *Chaiken* further in view of U. S. Patent 6,715,074 to *Chaiken* have been rendered moot by these amendments.

The Examiner has rejected Claims 8, 12, 21, 33, 37, 45, and 49 under 35 U.S.C. § 103 (a) as being unpatentable over *Anderson* in view of *Chaiken* and further in view of U.S. Patent 6,651, 150 to *Maeda* hereafter ("*Maeda*"). In light of the amendments stated above, these Claims 8, 12, 21, 33, 37, 45, and 49 now depend from claims with allowable material.

Therefore, the Applicant respectfully asserts that the rejections of Claims 8, 12, 21, 33, 37, 45, and 49 under 35 U.S.C. § 103 (a) as being unpatentable over *Anderson* in view of *Chaiken* and further in view of *Maeda* have been rendered moot by these amendments.

The Examiner has rejected Claims 11, 24, 36, and 48 under 35 U.S.C. § 103 (a) as being unpatentable over *Anderson* in view of *Chaiken*, in view of *Chaiken* (6,715,074) and further in view of U.S. Patent 6,438, 640 to *Miyamoto et al.* hereafter ("*Miyamoto*"). In light of the amendments stated above, these Claims 11, 24, 36, and 48 now depend from claims with allowable material.

Therefore, the Applicant respectfully asserts that the rejections of Claims 11, 24, 36, and 48 under 35 U.S.C. § 103 (a) as being unpatentable over *Anderson* in view of *Chaiken*, in view of *Chaiken* (6,715,074) and further in view of *Miyamoto* have been rendered moot by these amendments.

New Claims 50-55 have been added to capture allowable material in Claim 5 which has been rewritten in independent form as suggested by the Examiner. New Claims 56-60 have been added to capture allowable material in Claim 18 which has been rewritten in independent form as suggested by the Examiner. New Claims 61-67 have been added to capture allowable material in Claim 30 which has been rewritten in

independent form as suggested by the Examiner. New Claims 68-75 have been added to capture allowable material in Claim 42 which has been rewritten in independent form as suggested by the Examiner.

### III. CONCLUSION

The rejections Claims 10, 23, 35, and 47 are rejected under 35 U.S.C. § 112, second paragraph have been traversed by amendments.

The rejections of Claims 1-2, 6, 9, 13, 15, 19, 22, 25, 27, 31, 34, 38-39, 43, and 46 under 35 U.S.C. § 103 (a) as being unpatentable over *Anderson* in view of *Chaiken* have been traversed.

The rejections of Claims 3-4, 7, 14, 16-17, 20, 26, 28-29, 32, 40-41, and 44 under 35 U.S.C. § 103 (a) as being unpatentable over *Anderson* in view of *Chaiken* further in view of U. S. Patent 6,715,074 to *Chaiken* have been traversed.

The rejections of Claims 8, 12, 21, 33, 37, 45, and 49 under 35 U.S.C. § 103 (a) as being unpatentable over *Anderson* in view of *Chaiken* and further in view of *Maeda* have been traversed.

The rejections of Claims 11, 24, 36, and 48 under 35 U.S.C. § 103 (a) as being unpatentable over *Anderson* in view of *Chaiken*, in view of *Chaiken* (6,715,074) and further in view of *Miyamoto* have been traversed.

New Claims 50-55 have been added to capture allowable material in Claim 5 which has been rewritten in independent form as suggested by the Examiner. New Claims 56-60 have been added to capture allowable material in Claim 18 which has been rewritten in independent form as suggested by the Examiner. New Claims 61-67 have been added to capture allowable material in Claim 30 which has been rewritten in independent form as suggested by the Examiner. New Claims 68-75 have been added to capture allowable material in Claim 42 which has been rewritten in independent form as suggested by the Examiner.


The Applicant, therefore, respectfully asserts that Claims 3-12, 14, 16-24, 26, 28-37, 40-75 are now in condition for allowance and requests an early allowance of these claims.

Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Patent Agent and Attorney for Applicant

By: 

Richard F. Frankeny

Reg. No. 47,573

Kelly K. Kordzik

Reg. No. 36,571

P.O. Box 50784  
Dallas, Texas 75201  
(512) 370-2872

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